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August 8, 2022

VIA ECF

Hon. Analisa Torres
United States District Judge
United States District Court
Southern District of New York

Re: Gaillard v. City of New York, et al.
21 Civ. 8324 (AT)

Your Honor:


I am a Senior Counsel in the Office of Corporation Counsel, assigned to the defense of this matter. The parties write jointly to respectfully request that the Court: (1) endorse the proposed briefing schedule for defendants' anticipated motion to dismiss pursuant to F.R.C.P. 12(c); and (2) stay fact discovery in this matter pending the resolution of the anticipated motion.

By way of background, it is defendants' position that the alleged unconstitutional behavior alleged in the Complaint does not rise to the level of a constitutional violation, but rather, stemmed from a mistake. For that reason, defendants believe that they would prevail on a 12(c) motion in this matter. Defendants have conferred with plaintiff who agrees that the most efficient way to proceed with this matter is for defendants to file their motion, for discovery to be stayed during that period, and for discovery to re-commence after the Court decides the motion. Should the Court be amenable to this approach, the parties propose that defendants' motion be filed by September 20, 2022; that plaintiff's opposition be due by October 4, 2022; and that defendants' reply be due by October 18, 2022. The parties request that discovery be stayed until after the Court decides the anticipated motion.

GRANTED in part and DENIED in part. Defendants' request to file a motion for judgment on the pleadings is GRANTED. The parties' proposed schedule is approved. The parties' request to stay discovery is DENIED. The parties may re-move to stay discovery after the motion is briefed. The case management conference schedule for October 6, 2022, is ADJOURNED *sine die*. The Court shall set a new date after the motion is decided.

SO ORDERED.

Dated: August 10, 2022
New York, New York



ANALISA TORRES
United States District Judge